

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

THE GARMON CORPORATION, and MAXIM
ZENWISE OPCO, LLC,

Plaintiffs and Counterdefendants,

v.

VETNIQUE LABS, LLC,

Defendant and Counterclaimant.

Civil Action No. 1:19-cv-08251

Hon. Matthew F. Kennelly

JOINT STATUS REPORT

In connection with the status hearing set in this matter for July 7, 2020, plaintiffs and counterdefendants, The Garmon Corporation (“Garmon”), and Maxim Zenwise Opco, LLC (“Zenwise”) (collectively, “Plaintiffs”), and defendant and counterclaimant Vetnique Labs, LLC (“Vetnique”), all by and through their undersigned counsel, provide this Joint Status Report and state as follows:

1. Schedule of Dates and Deadlines. On May 6, 2020, the Court entered a reset schedule of dates and deadlines under the Local Patent Rules [*see* ECF Doc. #36]. The parties are proceeding pursuant to that schedule.

2. Status of Disclosures and Discovery. The parties exchanged their initial disclosures and productions of documents pursuant to Federal Rule of Civil Procedure 26(a)(1) and LPR 2.1 on June 4, 2020. The parties have also served each other with first sets of written discovery requests, and Plaintiffs have also served two non-parties with subpoenas for production of documents and testimony.

Vetnique served its initial infringement contentions pursuant to LPR 2.2 on June 18, 2020. Plaintiffs' initial invalidity and non-infringement contentions pursuant to LPR 2.3 and 2.4 are due on July 2, 2020.

3. Status of Briefing of Unresolved Motion. On February 13, 2020, Vetnique filed a Partial Motion to Dismiss [ECF Docs. #24 and #25] requesting dismissal of Count Three and Count Four of Plaintiffs' First Amended Complaint pursuant to Rule 12(b)(6) of the Federal Rules of Civil Procedure for failure to state a claim upon which relief may be granted. The Court held a telephone motion hearing on February 19, 2020 and set a briefing schedule. Plaintiffs filed an Opposition on February 20, 2020 [ECF Doc. #29]. Vetnique filed a Reply on February 28, 2020 [ECF Doc. #30].

By Order dated June 4, 2020 [ECF Doc. #41], the Court directed Vetnique to file by June 11, 2020 a brief "addressing whether and why the Noerr-Pennington doctrine applies to *each* of the alleged anti-competitive actions." The Court further directed Plaintiffs to file a response brief by June 18, 2020. The parties have filed those additional briefs [ECF Docs. #42 and #43].

4. Status of Settlement Efforts. The parties engaged in informal settlement discussions before this lawsuit was filed. The parties have agreed to continue those discussions as the case progresses, but believe they need to conduct discovery before they will be able to engage in a productive settlement dialogue.

Dated: June 23, 2020

Respectfully Submitted:

/s/ Brian C. Padove

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Dated: June 23, 2020

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CERTIFICATE OF SERVICE

I hereby certify that on **June 23, 2020**, I electronically filed the foregoing **Joint Status Report** with the Clerk of the Court for the Northern District of Illinois using the Court's CM/ECF system, which shall send notification of such filing to all counsel of record.

/s/ Brian C. Padove
